IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8676 of 2005

Between:

Sree Mathrusree Parishat (Regd), International Spiritual and Social Service Organization, Rep by its Chairman and Secretary, Sri K. Chitti Babu Chowdary, S/o Srimanthu Chowdary, aged 56years, Occ:Agrilculturist, R/o. Kurumannapalem, Gajuwaka Mandal, Vishakapatnam District.

..... PETITIONER

AND

1 The Commissioner (Appeals), O/o. Chief Commissioner of Land Administration, Station Road, Hyderabad.
2 The District Collector, Collectorate Office, Visakhapatnam, Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or Direction more particularly Writ of Mandamus declaring the inaction of the 2nd Respondent in not taking steps to alienate the land in Survey No. 23/2, 23/4, 23/5 & Sy.NO. 47, admeasuring an extent of Ac. 5-61 cents of Kurmannapalem (V) of Gajuwaka Mandal in Vishakapatnam District inspite of the orers of the 1st respondent is illegal, unconstitutional, arbitrary and against the principles of natural justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.S.SATYANARAYANA MOORTHY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8676 OF 2005

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ORDER :

This writ petition is filed aggrieved by the alleged inaction on the part of the second respondent – District Collector, Visakhapatnam, in considering the request of the petitioner to alienate the land in Sy.Nos.23/2, 23/4, 23/5 and 47 admeasuring to an extent of Ac.5-61 cents of Kurmannapalem Village, Gajuwaka Mandal, Visakhapatnam District.

It is stated that the petitioner has purchased the property in question under Registered Sale Deeds from one Batchala Somanna. The petitioner states that as a matter of fact it is a Government land classified as 'Banjar'. However, the said Batchala Somanna sold away the said land misrepresenting that the same is his own patta land. Subsequently, the petitioner came to know about that and immediately thereafter the petitioner made a representation before the Government to assign the land in question in its favour on payment of nominal market value since the petitioner is a registered international spiritual and social service organization. It is stated that in pursuance thereof, the Principal Secretary to Government, General Administration Department, directed the District Collector, Visakhapatnam to allot the land to the petitioner on payment of nominal value prevailed in the year 1966. However, the 2nd respondent – District Collector has not taken any further steps in spite of the fact that the petitioner made representations dated 1-7-2004 and 21-8-2004 requesting to alienate the land in question in its favour in terms of the orders of the Government dated 26-2-2001.

It appears that on a claim petition made by the vendor of the petitioner Batchala Somanna, the proceedings under A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 were initiated and ultimately the Revision Petition was dismissed by the 1st respondent by order dated 19-11-2003. In the circumstances, the learned Government Pleader for Revenue appearing for the respondents states that the representations of the petitioner will be considered in accordance with law.

Accordingly, the writ petition is disposed of with a direction to the respondents 1 and 2 to consider the representations of the petitioner dated 01-07-2004 and 21-08-2004 and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of eight weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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20th April, 2005.

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To

1 The Commissioner (Appeals), O/o. Chief Commissioner of Land Administration, Station Road, Hyderabad.
2 The District Collector, Collectorate Office, Visakhapatnam, Visakhapatnam District.

3 Two C.Cs. to the G.P. for Revenue, High Court buildings, Hyderabad. (OUT)

4 Two C.D. copies.